

**REMARKS**

In response to the Non-Final Office Action mailed September 28, 2009, (hereinafter "Office Action")<sup>1</sup>, the response for which is due on December 28, 2009, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Applicant thanks Examiner Pham Tabor and Supervisory Patent Examiner Don K. Wong for the courtesies shown during a telephonic interview conducted on December 11, 2009. In attendance were Examiner Pham, Supervisory Patent Examiner Wong, and counsel for Applicant, Maura K. Moran (Reg. No. 31,859) of Finnegan.

Although no agreement was reached during the interview, the Examiners and Applicant's representatives discussed the rejections in the Final Office Action mailed September 28, 2009, of claims 1-39, and the claim amendments proposed by Applicant's representatives. The substance of the conversation is described below.

**I. Status and Disposition of the Claims**

In the instant Application, claims 1-39 are pending. Of these pending claims, claims 1, 10, and 21 are independent. In the Office Action, the following actions were taken:

- claims 1-28, 30-31, 33-35, and 37-39 were rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over Shoup et al. (U.S. Patent No. 6,108,657, hereinafter "*Shoup*"). See Office Action at pages 2-26;

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

- claims 29<sup>2</sup>, 32, and 36 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Shoup*, as applied to claims 1-28, 30-31, 33-35, and 37-39 above, and further in view of *Diamond et al.* (US PGPUB 20020116299, hereinafter "*Diamond*"). See Office Action at pages 26-27.

## **II. Amendments to the Claims**

In this Amendment and Response, Applicant amends claims 1, 3-4, 6-10, 12-13, 15, 17-21, 24, 26-27, 30-31, and 34, to improve readability, to correct antecedent basis, and to clarify the scope of the claims. In addition, Applicant cancels claims 2, 5, 11, 14, 33, and 37-39; and adds new claims 40-42. Support for the amendments and the new claims may be found, among other places, in the claims as filed and in the Specification as published at paras. [0032] and [0033]. After the entry of this Amendment and Response, claims 1, 3-4, 6-10, 12-13, 15-32, 34-36, and 40-42 will be pending.

## **III. Response to Rejections**

### **a. The Rejection Of Claims 1, 3-4, 6-10, 12-13, 15-28, 30-31, and 34-35 Under 35 U.S.C. §102 Should Be Withdrawn.**

Applicant respectfully traverses the rejection of claims 1, 3-4, 6-10, 12-13, 15-28, 30-31, and 34-35 under 35 U.S.C. §102 as being as allegedly being unpatentable over *Shoup*.

Claim 1 is directed to a "method for generating a multi-dimensional data structure in order to access data associated with a plurality of data sources, said plurality of data

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<sup>2</sup> At page 26, the Office Action identifies claim 28 as being rejected under 35 U.S.C. § 103(a). However, claim 28 is identified at pages 2 and 23 as being rejected under 35 U.S.C. § 102(b). In addition, at page 27, the Office Action discusses claim 29 in its rejection under 35 U.S.C. § 103(a). Accordingly, in responding to this Office Action, Applicant treats the rejected under 35 U.S.C. § 103(a) as applying to claim 29 and not claim 28.

sources having a different number of dimensions than said multi-dimensional data structure." Claim 1 calls for a combination including, for example,

bridging the gap by at least one of the following:

obtaining, from one of the data sources, a further data item not originally obtainable in the second set of data items;

modifying the multi-dimensional data structure to be further defined by the second set of data items; and

converting a source data structure in at least one of the data sources into another data structure.

*Shoup* fails to teach or suggest "obtaining, from one of the data sources, a further data item not originally obtainable in the second set of data items," "modifying the multi-dimensional data structure to be further defined by the second set of data items," and "converting a source data structure in at least one of the data sources into another data structure," as recited in claim 1.

The Office Action alleged that *Shoup* discloses the claimed "bridging the gap."

However, *Shoup* discloses,

creat[ing] a layout mapping of cells . . . then convert[ing] the layout mapping into a view. . . . The layout engine 212 also determines which records in the master table 202 include measure values that are to be employed in generating the multi-dimensional view. The measure values in these records are then retrieved by the layout engine 212 and used to determine measure results. Each measure result is loaded into a corresponding cell in the layout mapping storage unit 205.

*Shoup* 11: 6-45. *Shoup* also discloses,

The layout engine 212 also designates cells in memory locations in the layout mapping storage unit 205 in step 261. The cells will later be filled with measure results for the measure being characterized in the view. The cells are designated to correspond to the groups of records on each axis. Each cell corresponds to a group on each axis.

*Shoup* 16: 45-50. Thus, *Shoup* discloses creating a view and then populating the view with calculated values, which is not the same as the recited features of "obtaining, **from**

**one of the data sources, a further data item that is not originally obtainable** in the second set of data items”, “**modifying the multi-dimensional data structure** to be further defined by the second set of data items” or “**converting a source data structure** in at least one of the data sources **into another data structure.**” Claim 1, emphasis added.

For at least this reason, anticipation of claim 1 by *Shoup* has not been established. The rejection of claim 1, and currently pending related dependent claims 3-4, 6-9, and 27-28, under 35 U.S.C. §102 as being anticipated by *Shoup* is thus improper and should be withdrawn. Independent claims 10 and 21, although of different scope, recite elements that are similar to claim 1. Therefore, the rejection of claim 10, and currently pending related dependent claims 12-13, 15-20, and 30-31, and the rejection of claim 21, and currently pending related dependent claims 22-26 and 34-35 under 35 U.S.C. §102 as being anticipated by *Shoup* are also improper and should be withdrawn.

**b. The Rejection Of Claims 29, 32, and 36 Under 35 U.S.C. §103 Should Be Withdrawn.**

Applicant respectfully traverses the rejection of claims 29, 32, and 36 under 35 U.S.C. §103 as being obvious from *Shoup* in view of *Diamond*. Claims 29, 32, and 36 depend indirectly from, claims 1, 10, and 21, respectively, and thus include all the elements and limitations thereof. As discussed above in the discussion of the rejection under 35 U.S.C. §102, *Shoup* does not teach or suggest “obtaining, **from one of the data sources, a further data item that is not originally obtainable** in the second set of data items,” “**modifying the multi-dimensional data structure** to be further defined

by the second set of data items,” or “**converting a source data structure** in at least one of the data sources **into another data structure**,” as recited in claim 1. Nor does *Shoup* teach or disclose similar limitations recited in claim 10 and 21, respectively.

The Office Action cited *Diamond* as teaching “the centralized database . . . located at a central office.” Office Action at 27. Even assuming the Office Action’s characterization of *Diamond* is correct, which Applicant does not concede, *Diamond* does not make up for the deficiencies of *Shoup*. Specifically, *Diamond* does not teach, disclose or suggest “obtaining, from one of the data sources, a further data item that is not originally obtainable in the second set of data items”, “modifying the multi-dimensional data structure to be further defined by the second set of data items” or “converting a source data structure in at least one of the data sources into another data structure.” Therefore, modifying *Shoup* in view of the teachings of *Diamond* by incorporating the dependent claim elements of claims 29, 32, and 36 into *Shoup* would not result in the invention recited therein as a whole.

For at least this reason, no *prima facie* case of obviousness has been established. The rejection of claim 29, 32, and 36 under 35 U.S.C. §103 as being obvious from *Shoup* in view of *Diamond* is thus improper and should be withdrawn.

#### **IV. Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

*Rachel L. Emsley*

Rachel L. Emsley  
Reg. No.: 63,558

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By: \_\_\_\_\_

*for* —  
Maura K. Moran  
Reg. No. 31,859  
(617) 452-1657